

**IN THE HIGH COURT OF JUDICATURE: ANDHRA PRADESH: AT
HYDERABAD**

THE HONOURABLE SRI JUSTICE J. CHELAMESWAR

AND

THE HONOURABLE SRI JUSTICE M. E.N. PATRUDU

W.P.No. 1988 of 2006

Dated: 02-02-2006

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Between:-

V. Laxmi Das. ...Petitioner

And

The Commandant, Artillery Centre, Hyderabad

and another

..Respondents

THE HONOURABLE SRI JUSTICE J. CHELAMESWAR

AND

THE HONOURABLE SRI JUSTICE M. E.N. PATRUDU

W.P.No. 1988 of 2006

ORDER (per Hon'ble Sri Justice J. Chelameswar)

This writ petition is filed with the prayer as follows:-

“...the Hon’ble Court may be pleased to issue an order or direction more particularly in the nature of writ of mandamus calling for the records pertaining to the Disciplinary case and set aside the order dated 28-3-2005 of the Central Administrative Tribunal, Hyderabad in O.A. No. 1353 of 2004 and consequently direct the respondents to reinstate the petitioner as Messenger with all consequential and incidental benefits”

The petitioner joined the service of the respondents in the year 1963 as Messenger. By an order dated 19-9-2001, he was removed from service. It appears during the year 1999 he fell sick. Admittedly, the petitioner was granted medical leave till 21-8-2000. Thereafter, he sought extension of the leave, which was rejected by the respondents. On 20-5-2000, the petitioner requested the respondents to permit him to retire voluntarily with effect from 1-9-2000. The said request was also rejected. Thereafter, as the petitioner was not attending the office, an enquiry was conducted and he was found guilty and an order of removal from service was passed. Challenging the same, the petitioner approached the Central Administrative Tribunal by way of filing O.A.No. 1353 of 2004, which stood dismissed by an order under challenge in this writ petition.

The only submission made before the Tribunal and this Court is that the enquiry was an *ex parte* enquiry behind the back of the petitioner and, therefore, there was failure of principles of natural justice, inasmuch as the petitioner did not have an opportunity in representing his case.

The Tribunal dealt very elaborately at para-4 of the order under challenge as to the number of attempts made to intimate the petitioner about the impending enquiry. The Tribunal recorded the finding that the petitioner kept on changing his residential address from time to time without keeping the employer intimated about the change of address. Therefore after communicating their notice through the registered post about impending enquiry, which returned with an endorsement that the addressee is left, the respondents had no option except to proceed with the enquiry against the petitioner.

In the circumstances, we do not see any error of jurisdiction or illegality in the order of the Tribunal warranting interference of this Court in this writ petition.

The writ petition is, therefore, dismissed at the stage of admission. No costs.

J. CHELAMESWAR, J

M.E.N. PATRUDU, J

Dated: 2-2-2006

Vp